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STATE FOR EB/TPP/IPE, INL, WHA/CAR
JUSTICE FOR OPDAT - R LIPMAN

E.O. 12958: N/A

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SUBJECT: TT POLICE IMPROVES IPR ENFORCEMENT, REQUESTS TASK FORCE

REF: 08 Port of Spain 523

11. SUMMARY: Following recent INL funded workshops on IPR enforcement, local police conducted two successful raids on brick and mortar stores and a series of raids on street vendors selling pirate DVDs. A senior police official asked Post's assistance in generating support for IPR enforcement. END SUMMARY.

Raids a Success

12. (SBU) EconOff met with Assistant Police Superintendent Peter Reyes to follow up on progress in the aftermath of two INL funded workshops on IPR enforcement (reftel). Reyes supervises officers in the Trinidad and Tobago Police Service (TTPS) Area East Port of Spain office. Reyes reported two successful raids on brick and mortar stores and a series of raids on street vendors selling pirate DVDs.

13. (SBU) The TTPS completed raids on two sellers of pirated DVDs in downtown Port of Spain in November 2008. Arrests and seizures took place in DVD City inside Excellent Stores on Frederick Street and in V-Shoppe located in Aboutique Mall on Frederick Street. Additionally, the inventories of several street vendors in the Frederick, Charlotte, Prince and Queen Streets, Independence Square North, Independence Square South, and Broadway areas were confiscated on September 19, 2008. According to Reyes, the raids were conducted using techniques learned in IPR workshops conducted by DOJ/OPDAT with funding from State/INL and detailed in the resulting enforcement handbook.

14. (SBU) The exercise at V-Shoppe concluded with the arrest of 5 clerks. The clerks implicated the owners of V-Shoppe, however the owners were not arrested because the testimony of accused persons is insufficient to make an arrest, Reyes said. Nevertheless, police are examining store records and pursuing leads to connect the alleged store owners to the crime. Approximately 10,000 DVDs, valued at TT\$100,000 were seized. Additionally, CD burners, flat screen televisions, cash registers, computers and DVD players were seized.

TTPS Requests a Specialized Task Force

15. (SBU) Reyes stated that although TTPS officers have the training, technology and capacity to implement enforcement exercises, they lack institutional memory. Currently, officers are rotated between specialized positions - including IPR enforcement. Reyes wants to form a dedicated unit of police officers that will have ongoing IPR enforcement responsibilities. This task force would operate within TTPS.

Steps to Increasing Enforcement Activity

16. (SBU) Reyes acknowledged that the handbook resulting from the workshops had not been fully implemented. Reyes recommended three steps to increase enforcement activity. First, strategically educate the public about the larger consequences for society when individuals purchase counterfeit products. Second, provide on the job training for enforcement officers and increase information sharing among agencies to develop a system of best practices. Third, secure a commitment to combat the trade of counterfeit products from government agencies that have direct or indirect administrative functions with respect to enforcement. Reyes welcomed USG engagement and asked Post to consider further advocacy such as organizing meetings of officials from the IP Office in the Ministry of Legal Affairs, Director of Public Prosecution, the business community and other relevant stakeholders to emphasize the dangers of counterfeit products and the importance of behavioral change.

17. COMMENT: The TTPS has a track record (albeit limited) of enforcing the rights of local musicians, but foreign DVDs have not been a priority until recently. The raids on pirate DVD vendors in September and November are a positive sign that senior police officials are taking IPR enforcement more seriously, putting to use the streamlined enforcement procedures enacted under last year's Copyright Act Amendment as well as the techniques covered in INL-funded workshops. However, it remains to be seen if enforcement will be sustained. Post will continue to look for opportunities to improve enforcement through collaboration with public officials, businesses, and public sector stakeholders. END COMMENT

KUSNITZ